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JC920 U.S PTO

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PTO/SB/05 (08-00) (modified)

Approved for use through 9/30/2001, OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# NEW UTILITY PATENT APPLICATION TRANSMITTAL

(only for new nonprovisional applications under  
37 CFR 1.53(b))

Attorney Docket Number	16319-05906
First Named Inventor	Michael J. Wissner
Title	Scalable Database Management System
Express Mail Label No.	EL951620674 US

APPLICATION ELEMENTS		ACCOMPANYING APPLICATION PARTS	
1. <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)		7. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))	
2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		8. <input type="checkbox"/> Certified Copy of Priority Document(s) ( <i>if foreign priority is claimed</i> )	
3. <input checked="" type="checkbox"/> Specification <i>(preferred arrangement set forth below)</i>	Total Pages 43	9. <input type="checkbox"/> Power of Attorney or Authorization of Agent	
■ Descriptive Title of the Invention		10. <input type="checkbox"/> 37 CFR 3.73(b) Statement	
■ Cross Reference(s) to Related Case(s)		11. <input type="checkbox"/> Preliminary Amendment	
■ Statement Regarding Fed sponsored R & D		12. <input type="checkbox"/> Information Disclosure Statement & PTO-1449 <input type="checkbox"/> Copies of IDS Citation(s)	
■ Background of the Invention		13. <input checked="" type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent	
■ Brief Summary of the Invention		14. <input checked="" type="checkbox"/> Return Postcard _____	
■ Brief Description of the Drawing(s)		15. <input type="checkbox"/> _____	
■ Detailed Description		16. <input type="checkbox"/> _____	
■ Claim or Claims		17. <input type="checkbox"/> _____	
■ Abstract of the Disclosure			
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) Total Sheets 9			
5. Oath or Declaration			
a. <input checked="" type="checkbox"/> New Declaration <input type="checkbox"/> Executed (original or copy)	Total Pages 3		
b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i>			
i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).			
6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76			
<b>ADDRESS TO:</b> Box Patent Application Commissioner for Patents Washington, D.C. 20231			

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No: \_\_\_\_\_ / \_\_\_\_\_

Prior application information: Examiner: \_\_\_\_\_ Group/Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS



Customer Number and Bar Code Label

00758

Name (Print/Type)	Christopher M. Tobin	Registration No. (Attorney/Agent)	40,290
Signature			Date February 21, 2002

20/12/02

JC928 U. S.

PTO/SB/17 (10-01)(modified)  
OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0002/PTO(modified) Rev. 10/2001	U.S. Department of Commerce Patent and Trademark Office	<i>Complete if Known</i>	
		Application Number	Unassigned
		Filing Date	Herewith
		First Named Inventor	Michael J. Wissner
		Group Art Unit	Unassigned
		Examiner Name	Unassigned
		Attorney Docket Number	16319-05906

**FEE TRANSMITTAL****TOTAL AMOUNT OF PAYMENT**Subtotal (1) + Subtotal (2) + Subtotal (3) = **\$ 1,304.00**

<b>METHOD OF PAYMENT</b>		<b>FEES CALCULATION (continued)</b>																																																																																																																																																																
<b>1. The Commissioner is hereby authorized to:</b> <input type="checkbox"/> Charge the indicated fees to the below mentioned deposit account. <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. † <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27		<b>3. 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<b>SUBMITTED BY</b>		<i>Complete (if applicable)</i>	
Typed or Printed Name	Christopher M. Tobin	Reg. Number	40,290
Signature			Date
			February 21, 2002

† Request for Extension of Time per 37 CFR 1.136 (a)(3) made hereby

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Michael J. Wissner
	Title	Scalable Database Management System
	Atty Docket Number	16319-05906

I hereby certify that the invention disclosed in the attached application **has not been and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

February 21, 2002  
Date



Signature

Christopher M. Tobin/40,290  
Typed or printed name/Registration Number

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

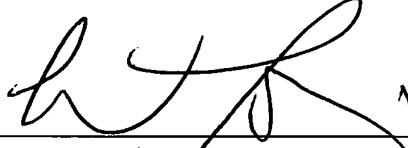
Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

PATENT

- application filing fee;
  - fee for additional claims; and
  - missing parts surcharge, plus a two month extension fee.
- Other
- Applicant claims small entity status under 37 C.F.R. § 1.27.

Respectfully submitted,  
MICHAEL J. WISSNER, JAMES C. SALEM AND  
ARDEN L. RODGERS

Dated: August 26, 2002

By:   
Christopher M. Tobin, Reg. No. 40,290  
Fenwick & West LLP  
Two Palo Alto Square  
Palo Alto, CA 94306  
Tel.: (650) 858-7172  
Fax: (650) 494-1417